

**FILED
UNDER
SEAL**

Prob12C
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Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Jonathan Smith**

Case Number: **2:09CR00487**

Name of Sentencing Judicial Officer: **Honorable Lloyd D. George**

Date of Original Sentence: **August 18, 2011**

Original Offense: **Distribution of a Controlled Substance (Four Counts)/ Felon in Possession of a Firearm (Two Counts)**

Original Sentence: **70 Months prison, followed by 60 Months TSR.**

Date 1st Term of Supervision Commenced: **December 3, 2015**

Date of Prior Revocation: **May 31, 2016**

Revocation Sentence: **Six (6) months prison, followed by Fifty-four (54) months supervision to be concurrent with Case No. 2:16-cr-00050-RFB.**

Date 2nd Term of Supervision Commenced: **November 26, 2021**

Name of Assigned Judicial Officer: **Honorable Richard F. Boulware**

PETITIONING THE COURT

☒ To issue a summons:

The probation officer believes the offender has violated the following condition(s) of supervision:

- 1. Do Not Unlawfully Use Controlled Substance – The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug**

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test within 15 days of release from imprisonment and at least two period drug tests thereafter, as determined by the court.

A. Smith failed to report to drug testing on the following dates:

February 19, 2022

February 26, 2022

B. Smith tested positive for marijuana on the following dates:

February 22, 2022

February 28, 2022

March 9, 2022

March 23, 2022

May 5, 2022

May 10, 2022

May 12, 2022

May 20, 2022

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U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **May 23, 2022**



Digitally signed
by Nickie Pipilakis
Date: 2022.05.24
10:20:12 -07'00'

Nickie Pipilakis
United States Probation Officer

Approved:



Digitally signed by
Todd Fredlund
Date: 2022.05.23
17:59:06 -07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
☐ The issuance of a warrant.
☒ The issuance of a summons.
☒ Other: to be addressed at Status
Conference Hearing set
for 7/12/2022 @ 9AM.



RICHARD F. BOULWARE, II
United States District Judge

June 30, 2022

Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. JONATHAN SMITH, 2:09CR00487**

**SUMMARY IN SUPPORT OF PETITION FOR SUMMONS
May 23, 2022**

By way of case history, on August 18, 2011, the Honorable Lloyd D. George sentenced Smith to a term of seventy (70) months custody in the Bureau of Prisons followed by a five-year term of supervised release. Smith commenced his term of supervised release on December 3, 2015.

On May 31, 2016, Smith's supervision was revoked due to new law violations that resulted in a new federal indictment and conviction. Smith was sentenced to six (6) months incarceration; sentence to run concurrently to Counts One & Two of sentence imposed in case no. 2:16-cr-00050-RFB followed by fifty-four (54) months supervision, to run concurrently with sentence imposed in case no. 2:16-cr-00050-RFB. Smith commenced his second term of supervised release on November 26, 2021.

By way of case history, on May 31, 2016, Your Honor sentenced Smith to a term of seventy-seven (77) months custody in the Bureau of Prisons as to Counts One & Two, sentence to run concurrent to one another; to run concurrent to sentence imposed in case no. 2:09-cr-00487-RFB followed by a three-year term of supervised release. Smith commenced his term of supervised release on November 26, 2021.

On January 13, 2022, Your Honor held a Status Conference regarding Smith's motion for refund of restitution payment. Your Honor ordered of the \$5, 845, \$4,845 shall be refunded to Smith. Your Honor further ordered that Smith was to prepay six (6) months of child support and must coordinate and show verification to his probation officer. The remainder must be used for living, personal, vehicle, or educational expenses. The Court ordered that remaining \$1,000 of the refund shall be applied to Smith's restitution and that restitution payments were deferred for six (6) months.

As of May 12, 2022, Smith's child support cases for 83309 and 83309-COA are currently in civil appeal in the Nevada Supreme Court and Court of Appeals.

To date, Smith has tested positive for marijuana on multiple occasions and has missed two drug tests. In fact, since December 8, 2021, all drug tests submitted by Smith have been positive for marijuana. In addition, on nine (9) occasions his urine specimen has been diluted, indicative of one attempting to flush their system to avoid drug detection.

Smith's positive urine drug tests listed in this petition were reviewed by a toxicologist with Abbott Laboratories (National contracted laboratory) to determine if new drug use occurred or if the positive results were due to residual elimination.

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According to the first Abbott Toxicology Services interpretation letter dated April 14, 2022 regarding drug tests dated February 22, 2022, February 28, 2022, March 9, 2022, March 14, 2022, March 23, 2022, March 30, 2022, and April 5, 2022; the toxicologist indicated that the specimens collected on March 14, 2022, March 30, 2022, and April 5, 2022 were inconclusive, however, the specimen positive for marijuana on February 28, 2022, March 9, 2022 and March 23, 2022 were determined to be new use.

This opinion is based on chronic use, the increase in the normalized level of drug present in the urine specimen collected on February 28, 2022, March 9, 2022, and March 23, 2022.

During phone conversations with Smith on February 23, 2022, March 31, 2022, April 5, 2022, and May 2, 2022, Smith admitted that he has continued to smoke marijuana while on supervised release. The undersigned officer attempted to give Smith multiple chances to stop using marijuana due to him claiming it would not be an issue for him to stop.

On May 5, 2022, Smith was placed back into weekly substance abuse treatment at the treatment provider Freedom House due to continued marijuana use. On May 23, 2022, according to his counselor at Freedom House, Smith reported that he is continuing to use marijuana and indicated he was unsure if he is willing to stop.

According to a second Abbott Toxicology Services interpretation letter dated May 18, 2022 regarding drug tests dated April 5, 2022, April 12, 2022, April 22, 2022, April 30, 2022, May 5, 2022, and May 12, 2022; the toxicologist indicated that the specimens collected on April 12, 2022, April 22, 2022 and April 30, 2022 were inconclusive, however, the specimen positive for marijuana on May 5, 2022, and May 12, 2022 were determined to be new use.

This opinion is based on chronic use, the increase in the normalized level of drug present in the urine specimen collected on May 5, 2022 and May 12, 2022 and the ratio between the specimens collected on April 30, 2022 and May 5, 2022 also May 5, 2022 and May 12, 2022.

As indicated in this report. Smith has tested positive for marijuana and admitted to such use on more than three (3) occasions within the past four (4) months. Pursuant to 18 U.S.C. § 3583 (g)(4) revocation is mandatory for testing positive for an illicit substance more than three (3) times in a 12-month period. Smith has stated to this officer that he will not stop smoking marijuana.

Smith is scheduled to appear before Your Honor on July 12, 2022 at 9:00 AM for a Status Conference. Based upon the above-listed information, the probation office recommends the issuance of a summons requiring Smith to appear before Your Honor to show cause why supervision should not be revoked.

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Respectfully submitted,



Digitally signed by Nickie
Pipilakis
Date: 2022.05.24 10:21:16
-07'00'

Nickie Pipilakis
United States Probation Officer

Approved:



Digitally signed by Todd
Fredlund
Date: 2022.05.23
17:59:18 -07'00'

Todd J. Fredlund
Supervisory United States Probation Officer